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DD/R # 241-62/A

Commitments and Possible Commitments Affected
by the US Satellite Reconnaissance Program

The purpose of this study is to take stock of all existing United States commitments and proposals that will affect, or be affected by, the United States satellite reconnaissance program, and to identify issues which the United States may reasonably expect in the future to require policy decisions which may affect, or be affected by, United States space reconnaissance activities.

A. Existing Commitments and Proposals

1. There are not, at present, any commitments regarding the use of outer space which the US is legally bound to observe. However, as a matter of national policy, the US does consider itself bound to comply with the United Nations General Assembly Resolution 1721 (XVI), which the US drafted and sponsored and which was unanimously adopted by the UNGA on December 20, 1961. That Resolution "commands to States for their guidance in the exploration and use of outer space" two principles:

- (a) International law, including the Charter of the United Nations, applies to outer space and celestial bodies;
- (b) Outer space and celestial bodies are free for exploration and the use by all States in conformity with international law, and are not subject to national appropriation.

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2. Pursuant to UNGA Resolution 1721, the United States now provides registration on a semi-monthly basis of data on the international designation, the launch vehicle, the satellite category, and the date of launch of all satellites in sustained orbit. In addition, the same data except for the international designation is being supplied for all launches of short-lived satellites and of objects which are intended to achieve orbit but fail to do so. There is no internationally agreed format or formula governing the data provided for registration with the United Nations.

3. The United States has proposed at the meeting of the Legal Subcommittee of the United Nations Outer Space Committee, presently in progress in Geneva, two draft resolutions:

- (a) A draft General Assembly resolution regarding assistance to and return of space vehicles and their occupants, and
- (b) A draft resolution requesting the Secretary General of the United Nations to constitute a panel of experts to draft an international agreement dealing with liability of launching states and international organizations for injury, loss or damage caused by space vehicles. These proposals have been carefully framed so as not to affect the US reconnaissance satellite program. However, it

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should be noted that the US is already facing some difficulty in connection with the first of these; some countries, not only from the Soviet bloc, wish to make an exception under which reconnaissance satellites would not be returned. The US position will not be changed, but the very raising of this issue and the fact of US refusal to specify an exception for reconnaissance vehicles may draw attention to the program.

4. The US Delegation in the Outer Space Committee has also proposed that reports on international space plans be submitted to the Committee, but it has been made clear by the United States (and by the Soviet Union) that such information will be submitted on a purely voluntary basis and at the discretion of the reporting state. This proposal, as presently framed, would not affect the US satellite reconnaissance program, and our Delegation is instructed not to change its position.

5. There are at present no international agreements on disarmament or arms control. However, the present US disarmament proposal, to which we are committed, includes a provision which would affect the reconnaissance satellite program. The Treaty Outline on General and Complete Disarmament of April 18, 1962, includes as a measure in Stage One provision for prohibition of "the placing into orbit of weapons capable of producing mass destruction." For verification of this measure, advance notification of all launchings of space vehicles and missiles, including information on

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the track of the space vehicle or missiles, would be provided and there would be pre-launch inspection of the vehicle in order to insure that no mass-destruction weapons were on board. In addition, the International Disarmament Organization would establish any arrangements necessary for detecting unreported launchings. Finally, the production, stockpiling and testing of boosters for space vehicles would be subject to agreed limitations.

B. Presently Planned or Contingent Initiatives

1. Under the provision in the US disarmament Outline Treaty for "Reduction of the Risk of War," the US plans to raise the possibility of advance notification of "firings of missiles of intermediate and intercontinental range and of space vehicles."

2. The US is also committed to consideration of the general idea of a possible separate disarmament agreement on outer space. We have not, however, advanced specific provisions of such an agreement. A separate proposal for banning weapons of mass destruction in outer space would have to provide suitable controls, including advance notification and inspection of the launched vehicles to the extent necessary to determine that there were no nuclear weapons on board. In a separate measure of this nature, it would not be necessary to include the tracking provision, or restrictions on production and testing of boosters. On the basis of informal exploration of this question, it would appear that the Soviet Union is not interested

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in such an agreement if it includes verification controls. This proposal would not directly affect the reconnaissance program, but it would clearly compromise secrecy of the program (though not necessarily of the technical details of the operation). On the other hand, Soviet acceptance of such an agreement, after failure to obtain US acquiescence to ban reconnaissance satellites, would seriously undercut any Soviet attempt to use against us information that the US was probably conducting reconnaissance operations. Nonetheless, there would be political repercussions unless the principle of legitimacy of space reconnaissance were generally accepted.

C. Possible Problems

1. Advance notification of launches.
2. Information on satellite tracks.

Such procedures would facilitate the employment by the Soviet Union of countermeasures against our reconnaissance satellites.

3. Declarations of the equipment of satellites.
4. Declarations of the precise purpose of satellites.
5. Inspection of satellites.

The three foregoing procedures would highlight the reconnaissance satellite program and, to the degree that the intelligence/reconnaissance mission was not generally accepted as legitimate, would raise political and propaganda problems for the United States.

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6. Definition of "peaceful uses of space."

Proposals in international conferences to define peaceful uses of space pose the question of whether the United States should seek to forestall and evade the question, to rely on a covert program, or to seek broader acceptance of the concept of legitimacy of space reconnaissance. //

7. Definition of the boundary of outer space.

The boundary of space would be of concern to the satellite reconnaissance program if the boundary were placed so high as to place the orbits of reconnaissance vehicles in national air space.

8. Use of space reconnaissance and observation capabilities for purposes of international verification of disarmament or other agreements.

Proposals to use space reconnaissance for international verification would raise the principle of legitimacy of space reconnaissance, and would draw attention to the capability for space observation at least in general terms. Agreement on such a measure might raise the question of dispensing with unilateral national capabilities, in favor of international ones.

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9. Reverberations on other space programs.

It should be noted that overseas operating requirements of other outer space programs are affected to some extent by the attitudes of some countries toward space reconnaissance. Most countries are ready to assist in scientific space activities, for example, by providing tracking stations and making contingency recovery arrangements. However, in many cases they are reluctant or averse to granting such assistance to military, including reconnaissance, programs. A confusion and uncertainty, and in some cases suspicion, of covert US reconnaissance activities in connection with NASA activities sometimes leads to difficulties in obtaining tracking stations or other assistance.

10. Reverberations from outer space negotiations.

In an increasing number of instances, non-communist and even allied countries have introduced proposals and concepts which inadvertently would affect the US reconnaissance satellite program. This occurs because these states are unaware of the program, or at least of provisions affecting it, and the problem is intensified by the absence of acceptance of the legitimacy of space reconnaissance activities.

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